



C.S.No.39 of 2016

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.S(Comm. Div.)No.39 of 2016

Hatsun Agro Product Ltd.,
Having registered office at,
“Domain”, Rajiv Gandhi Salai (OMR),
Karapakkam, Chennai – 600 097
And also carrying on its business at,
Old No.AD-83/New No.AD13,
Anna Nagar, Opp. IOB Towers Branch,
Chennai – 600 040.

...Plaintiff

Vs.

M/s.Himachal Milk Food Products,
VII Makkawali P.O.,
Shambhuwala,
Nahan District,
Simaur
Himachal Pradesh

... Defendant

PRAYER: This Civil Suit is filed under Order VII Rule 1 of Code of Civil Procedure, 1908 read with Order IV Rule 1 of High Court Original Side Rules and Section 134 and 135 of the Trade Marks Act, 1999 and under



C.S.No.39 of 2016

Section 55 of the Copyright Act, 1957 ; praying to pass the judgment and decree:-

a) For Permanent Injunction restraining the defendant by itself, its agents, servants or any one claiming through it from in any manner infringing the Plaintiff's Trade Mark in the container as shown in the Annexure-P1, by using the Defendant's offending container shown in Annexure-D1 or any other mark or marks which are in any way identical to the Plaintiff's trademark in the container as shown in Annexure-P1.

b) For Permanent Injunction restraining the defendant by itself, its agents, servants or any one claiming through it from in any manner infringing the Plaintiff's Trade Mark in the label as shown in the Annexure-P2, by using the Defendant's trademark label shown in Annexure-D2 or any other mark or marks which are in any way identical to the Plaintiff's trademark label as shown in Annexure-P2.

c) For Permanent Injunction restraining the defendant by itself, its agents, servants or any one claiming through it from in any manner passing off its Ghee or any dairy products as that of the plaintiff by using the offending container as shown in the Annexure D1 and or the trademark label as shown in Annexure -D2 or any other trademark, trade dress and container which is identical with that of the plaintiff's container, trademark label as shown in Annexure-P1 and P2, whether by manufacturing or selling or offering for sale or in any manner advertising the same.



C.S.No.39 of 2016

WEB COPY

d) Granting permanent injunction, restraining the Defendant by themselves, their servants or Agents or anyone claiming through them from in any manner infringing the plaintiff's copyright in the artistic work over the trademark label "HATSUN" as shown in Annexure – P2, by using the offending label as shown in Annexure-D2 or any other label or labels which are in any way a reproduction of the plaintiff's artistic label HATSUN as filed in Annexure -P2.

e) Directing the Defendant to surrender to the plaintiff the entire products with the offending containers and labels, unused stock with the offending labels together with the blocks and dies, name boards, sign boards etc for destruction.

f) Directing the Defendant to render true and faithful accounts of the profits earned by them through the sale of offending ghee products sold under offending container and bearing the offending trademark label and directing payment such profits to the plaintiff.

g) Directing the Defendant to pay to the plaintiff the cost of the suit

For Plaintiff :M/s.Y.K.Aiswarya
for M/s.Surana and Surana

For Defendant :Mr.V.Ramesh Babu
Mr.K.S.Begum



C.S.No.39 of 2016

WEB COPY

JUDGMENT

The learned counsel for the plaintiff made an endorsement in the plaint, seeking leave of this Court to withdraw the suit. In view of the endorsement made by the learned counsel, leave is granted. The suit is dismissed as withdrawn. There shall be no order as to costs.

27.03.2023

nti

Index: Yes/No

Speaking Order: Yes/No



WEB COPY



C.S.No.39 of 2016

S.SOUNTHAR, J.

nti

C.S(Comm. Div.)No.39 of 2016

27.03.2023